

under this section may only be made to the extent that necessary funds have been made available, in advance, in an annual appropriations Act, to the Administrator from the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(f) NATIONAL [CAPITOL] CAPITAL PLANNING COMMISSION.—

(1) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit or otherwise affect the authority of the National Capital Planning Commission with respect to the Southeast Federal Center.

(2) VISION PLAN.—An agreement entered into under this section shall ensure that redevelopment of the Southeast Federal Center is consistent, to the extent practicable (as determined by the Administrator, *in consultation with the National Capital Planning Commission*), with the objectives of the National Capital Planning Commission's vision plan entitled "Extending the Legacy: Planning America's Capital in the 21st Century", adopted by the Commission in November 1997.

(g) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—The authority of the Administrator under this section shall not be subject to—

(A) section 321 of the Act of June 30, 1932 (40 U.S.C. 303b);

(B) sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484);

(C) section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)); or

(D) any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section.

(2) UNUTILIZED OR UNDERUTILIZED PROPERTY.—Any facility covered under an agreement entered into under this section may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

SEC. 4. REPORTING REQUIREMENT.

(a) IN GENERAL.—Before entering into an agreement under section 3, the Administrator of General Services shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on [Environment and Public Works] *Governmental Affairs* of the Senate a report on the proposed agreement.

(b) CONTENTS.—A report transmitted under this section shall include a summary of a cost-benefit analysis of the proposed agreement and a description of the provisions of the proposed agreement.

(c) REVIEW BY CONGRESS.—A proposed agreement under section 3 may not become effective until the end of a 30-day period of continuous session of Congress following the date of the transmittal of a report on the agreement under this section. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 30-day period any day during which either House of Congress is not in session during an adjournment of more than 3 days to a day certain.

SEC. 5. USE OF PROCEEDS.

(a) IN GENERAL.—Net proceeds from an agreement entered into under section 3 shall be deposited into, administered, and expended, subject to appropriations Acts, as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). In this subsection, the term "net proceeds from an agreement entered into under section 3" means the proceeds from the agreement

minus the expenses incurred by the Administrator with respect to the agreement.

(b) RECOVERY OF EXPENSES.—The Administrator may retain from the proceeds of an agreement entered into under section 3 amounts necessary to recover the expenses incurred by the Administrator with respect to the agreement. Such amounts shall be deposited in the account in the Treasury from which the Administrator incurs expenses related to disposals of real property.

Mr. WARNER. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (H.R. 3069), as amended, was read the third time and passed.

CERTIFICATION OF MEXICO

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 366 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 366) expressing the Sense of the Senate on the certification of Mexico.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 366) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 366

Whereas Mexico will inaugurate a new government on 1 December 2000 that will be the first change of authority from one party to another;

Whereas the 2nd July election of Vincente Fox Quesada of the Alliance for Change marks an historic transition of power in open and fair elections;

Whereas Mexico and the United States share a 2,000-mile border, Mexico is the United States' second largest trading partner, and the two countries share historic and cultural ties;

Whereas drug production and trafficking are a threat to the national interests and the well-being of the citizens of both countries; and

Whereas United States-Mexican cooperation on drugs is a cornerstone for policy for both countries in developing effective programs to stop drug use, drug production, and drug trafficking: Now, therefore, be it

Resolved, That (a) the Senate, on behalf of the people of the United States—

(1) welcomes the constitutional transition of power in Mexico;

(2) congratulates the people of Mexico and their elected representatives for this historic change; and

(3) expresses its intent to continue to work cooperatively with Mexican authorities to promote broad and effective efforts for the health and welfare of United States and Mexican citizens endangered by international drug trafficking, use, and production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the incoming new governments in both Mexico and the United States must develop and implement a counterdrug program that more effectively addresses the official corruption, the increase in drug traffic, and the lawlessness that has resulted from illegal drug trafficking, and that a one-year waiver of the requirement that the President certify Mexico is warranted to permit both new governments time to do so.

Mr. WARNER. Mr. President, before entering the closing statement, I yield to the distinguished Democratic assistant leader.

Mr. REID. Mr. President, I was off the floor. I appreciate very much the patience of my friend, the Senator from Virginia. I know he wanted to vacate the premises more than an hour ago. I am confident early in the morning we will be able to enter into an agreement relating to his bill.

Mr. WARNER. That would be the DOD conference on authorization.

Mr. REID. We are getting close to that. I apologize for not being able to do that tonight.

Mr. WARNER. No apology is needed. This bill has had a unique course through the Senate. I know of no one who has tried harder on a procedural basis to see that this bill has forward momentum than our distinguished colleague from Nevada. I hereby express my profound respect and thanks to him.

Mr. REID. I already bragged earlier in the day about my colleague and Senator LEVIN, and I would like that spread across the RECORD again.

Mr. President, Senator MCCAIN is on his way. We have a unanimous consent agreement that he asked for earlier in the day. We are now able to clear it.

Mr. WARNER. Mr. President, given that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING TITLE 49, U.S. CODE, TO REQUIRE REPORTS CONCERNING DEFECTS IN MOTOR VEHICLES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5164, which is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5164) to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements regarding the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Reserving the right to object, what was the request?

Mr. MCCAIN. That the Senate proceed to H.R. 5164.

Mr. REID. Is this the same request the Senator entered earlier today?

Mr. MCCAIN. Yes.

Mr. REID. Reserving the right to object, as I said to my friend—and he was so persuasive—I indicated that we have to be patient and I thought his patience would require more than an hour or so. But as a result of our work on this side, we were able to get the agreement cleared, and we have no objection to this matter proceeding tonight, as indicated in the earlier consent agreement.

Mr. MCCAIN. I thank my friend from Nevada.

May I just say that one thing I have learned about my friend from Nevada is that when he gives his word on an issue, he pursues that in a sincere and dedicated fashion. When he gives his word that he is going to oppose, as he has on several occasions, he is a formidable opponent. I thank the Senator from Nevada for working on this. He could have easily held this over until tomorrow and we could have gotten caught up, perhaps, in other issues. Instead, the Senator from Nevada said he would be working on this issue. He did that, and we have it resolved. I express my deep and sincere thanks to him.

I look forward to next year when we again have our differences on the issue of college gambling being ventilated and work together on that issue as well.

Mr. REID. Also, we can work together to do more on boxing. If there were ever a requirement that we have spread before us, it would be to do something about the abysmal state of boxing in the world, which is controlled by the United States.

Also, the work the Senator from Arizona and the Senator from Wisconsin have done on campaign finance reform—when the history books are written about what has happened in Government during the past hundred years, there is no question in my mind that one of the main chapters will be the work that has been done on campaign finance reform. It will happen, and it was instigated and initiated by the Senator from Arizona and the Senator from Wisconsin. It is only a question of when; it will happen.

Mr. MCCAIN. I thank my friend from Nevada.

I should not be speaking off the top of my head, but perhaps a hearing out in the city of Las Vegas, where really 90 percent of the major boxing is conducted in America, might be something he and I could do together in the next couple of months to get the ball rolling. I thank my friend from Nevada.

Mr. REID. I thank my friend from Arizona.

Mr. MCCAIN. Mr. President, last week I was blocked in my efforts to gain unanimous consent for the Senate to schedule a time for consideration of S. 3059, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Act. As you know, the Act is in response to the recent Ford/Firestone recall of 6.5 million tires and the more than 100 deaths associated with these tires.

Today, we are in the midst of what may likely be the last week of this legislative session. The remaining days to enact legislation to remedy indisputable flaws in the Federal Motor Vehicle Safety Act are dwindling to a precious few.

When we began this process more than six weeks ago, I made a commitment to seek the enactment of legislation this year to remedy this problem. I also stated that we would not make the perfect the enemy of the good. Last night, the House passed by voice vote H.R. 5164, the Transportation Recall Enhancement Accountability and Documentation (TREAD) Act. The legislation is similar to S. 3059 and has the support of both Republicans and Democrats in the House.

While the House bill does not go as far as the Senate bill in some respects, it will nevertheless advance the cause of safety. It will ensure that the Department of Transportation will receive the information it needs to detect defects, including information about foreign recalls. It will increase penalties for manufacturers that fail to comply with the statute and its regulations. The maximum civil penalty under the current statute is \$980,000. The House bill will increase that amount to \$15 million. It will also direct the Secretary to develop a program to conduct dynamic rollover tests of motor vehicles and make that information available to consumers. It will direct NHTSA to upgrade the current tire standard for the first time in 30 years. Finally, the House bill incorporates a measure sponsored by Senator FITZGERALD and recently reported by the Senate Commerce Committee, which will improve the design of child safety seats.

Many of the provisions in the House bill are an improvement upon current law. The House bill is supported by the Secretary of Transportation. Nevertheless, let me be clear, I would prefer to have the Senate complete action on the bill reported by the Senate Commerce Committee with unanimous support. But holds and stalling tactics used by

some members of this body will prevent us from even considering the Senate measure. The reality we face in the remaining days of Congress because of these tactics is that we pass the House bill or we pass nothing. Left with that decision, I would prefer we move forward with the House bill.

Some people have raised concerns that the House bill would weaken current law in several respects and it would be better to do nothing. Specifically, concerns have been raised that the bill would inhibit the release of information collected by Department of Transportation to the public, that manufacturers could destroy information to avoid the reporting requirements, and that the safe harbor provisions for the enhanced penalties could apply to existing penalties. I strongly disagree with these assertions. More importantly, the supporters of the House bill both Democratic and Republican disagree with those assertions as does the Department of Transportation which will be charged with carrying out the provisions of the Act.

House supporters of the bill such as Congressmen MARKEY and TAUZIN addressed some of these concerns in a colloquy upon final passage of the House bill last night. I ask unanimous consent that the entire colloquy from the House bill be included in the RECORD following my remarks. Two portions of the colloquy refute these assertions. First, Mr. MARKEY asks if the "special disclosure provision for new early stage information is not intended to protect from disclosure [information] that is currently disclosed under existing law such as information about actual defects or recalls?" Congressman TAUZIN responds by saying, "the gentleman is correct." Second, Congressman MARKEY asks if it is in the "Secretary's discretion to require a manufacturer to maintain records that are in fact in the manufacturer's possession and that it would be a violation of such a requirement to destroy such a record?" Again, Congressman TAUZIN responds "the gentleman is correct."

Congressman TAUZIN wrote to me today to further clarify that this provision would not enable manufacturers to destroy or conceal information.

In explaining the safe harbor provision under the enhanced penalty section, the intent of the House sponsors is not necessary because it is clear on the face of the language that it would not apply to an underlying violation of existing criminal law. The language of Section 4(b)(2) clearly states that the safe harbor only applies to criminal penalties "under this subsection." I am not a supporter of the safe harbor provisions under this bill. I believe that they create a loophole rendering the enhanced penalties meaningless, but it is clear that they do not weaken existing law.

As I said earlier, NHTSA has linked more than 100 deaths to the failure of Bridgestone/Firestone tires that are subject to the current recall. Each day

it becomes more apparent that these deaths may have been avoided had the Department of Transportation possessed vital safety-related information that the law does not currently require manufacturers to report.

The House bill falls short of the Senate bill, but it will improve the Department of Transportation's ability to detect defects earlier. As Chairman of the Senate Commerce Committee, I commit to revisiting this issue next Congress and resolve the issues left in the House bill. But it would be a serious mistake to prevent even this modest reform to go forward. I ask my colleagues to support the passage of H.R. 5164.

The bill (H.R. 5164) was passed.

Mr. MCCAIN. Mr. President, we went through a great deal of work in order to have the legislation passed concerning Bridgestone/Firestone. I thank the administration and Secretary Slater for all of his efforts.

I thank Senator HOLLINGS, who had strongly held views on this issue and yet came together with me and others.

I thank the Consumers Union for what they did. They are an advocacy group that, again, didn't see a perfect piece of legislation but supported this legislation. Mr. Kimmelman is a man of remarkable talents. I thank him.

I also want to thank Congressman UPTON and Congressman TAUZIN, who were able to get that legislation through the House of Representatives in this late period by a voice vote and thereby made it possible for this legis-

lation to be passed. They are both remarkable legislators. I appreciate very much all they did.

I say to my colleagues again that this issue isn't over. Tragically, I am in fear that there will be more deaths and injuries on America's highways before we finally make it much safer for Americans to be on America's highways. I think we have taken a major step forward, and one that hopefully will save lives and prevent injuries. If that is the case, as I think most experts view this legislation, then I think we will have done something good today.

I thank you, Mr. President, for your patience.

ORDERS FOR THURSDAY, OCTOBER 12, 2000

Mr. MCCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Thursday, October 12. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to H.R. 4635, the HUD-VA appropriations bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Arizona, Mr. MCCAIN, be allowed

10 minutes before the HUD-VA appropriations bill is voted on.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCAIN. Mr. President, for the information of all Senators, the Senate will begin consideration of the HUD-VA appropriations bill at 9:30 a.m. There are three amendments in order and up to three stacked rollcall votes will occur at approximately 12:30 p.m. Following the final vote on the HUD-VA bill, the Senate is expected to begin consideration of the conference report to accompany the Department of Defense authorization bill. There are approximately 6 hours of debate requested on the conference report. Therefore, Senators should expect votes later in the afternoon in reference to the DOD authorization conference report.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MCCAIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:50 p.m., recessed until Thursday, October 12, 2000, at 9:30 a.m.